

RJP:cms 11/20/09 1302307.doc  
PATENT

Attorney Reference Number 5578-58206-01  
Application Number 09/800,273

### Remarks

No claims are added or cancelled, so claims 65, 68, and 71 remain pending in the application.

Claims 65 and 71 are amended. Support for the amendment is found in the application as filed, particularly the drawings which show trampoline systems having spring members that support a rebounding mat and having poles with uppermost portions that are not all joined together by rigid members. The amendment of claims 65 and 71 is for clarification and is not intended to narrow the scope of those claims.

Reconsideration of the application is requested.

### *Cited Patents*

Claim 65 and 68 were rejected as allegedly being suggested by the combined teachings of Osborne and Vail. Claim 71 was rejected as allegedly being anticipated by Vail.

Applicants respectfully submit that these rejections should be withdrawn and that all the pending claims should be allowed.

Each of the pending claims calls for a trampoline system that comprises plural independent poles.

Applicants now are emphasizing this distinction by amending the claims to include a statement that not all of the uppermost portions of the poles are secured together by a rigid framework. In other words, there is no rigid pole-to-pole connection around the entire perimeter of the trampoline at the tops of the poles.

The cited patents do not show or suggest any system that has independent poles. The cited patents instead show structures having rigid members extending pole-to-pole, joining the upper ends of all the illustrated poles in a rigid framework. In particular, Vail shows a box-like frame constructed of highly rigid members, apparently of metal, that are further stiffened by angle brackets. Osborne similarly shows a box-like structure of corner posts joined together by apparently rigid upper end cross bars.

Independent poles, as presently claimed, are quite advantageous in enclosure systems designed for protecting jumpers on trampolines, for which shock absorption ability is important.

RJP:cms 11/20/09 1302307.doc  
PATENT

Attorney Reference Number 5578-58206-01  
Application Number 09/800,273

Frame-like structures of the type shown in Vail and Osborne cannot provide the same benefits and were never intended for use to protect persons jumping on trampolines.

Also, with regard to Claim 65 and 68, it was a surprising discovery that poles which extend five to eight feet above a rebounding mat would be workable in a trampoline system where users can leap high into the air. It was previously believed that taller poles would be required to successfully protect trampoline jumpers (who can jump much higher than is possible from a less resilient surface, such as the bed padding of the cited patents). Prior to the discovery of the presently claimed invention, poles for trampoline enclosures were dangerously rigid and taller than eight feet. Independent poles of shorter lengths were an innovation for supporting enclosures to retain persons jumping to high elevations from trampolines. The bed enclosure and bed canopy of the cited patents are not instructive in this regard because the users of beds do not leap to the heights common for trampoline users, if they jump at all.

Further, with regard to claim 68, neither Osborne nor Vail shows or suggests a protective covering located at the top of the enclosure poles of a trampoline system, which is a substantial advantageous feature of the trampoline system of claim 68.

Applicants respectfully, but strenuously, disagree with the assertion in the Office action that the term "trampolines" does not exclude the cited beds of Osborne and Vail, which beds are intended for sleeping. Safety enclosures for trampolines, which must contain users who leap and jump into the air from highly resilient mats, are not designed in the same manner as the cited bed canopy and bed enclosure. The highly rigid framing of such sleeping bed enclosures is designed for structural strength, not to provide impact safety, as is the presently claimed invention. Persons of ordinary skill do not look to sleeping bed accessories to obtain information about trampoline systems.

To emphasize that the presently claimed structures are trampoline systems intended for athletic and/or recreational jumping, the claims are amended to call for "a plurality of spring members extending between the frame and the rebounding mat." The bed canopy and the bed enclosure of the cited Osborne and Vail patents do not show or suggest such structures that are used in trampolines to facilitate jumping.

RJP:cms 11/20/09 1302307.doc  
PATENT

Attorney Reference Number 5578-58206-01  
Application Number 09/800,273

### *Information Disclosure Statements*

Information disclosure statements were filed for this application on March 5, 2001, and July 2, 2004.

Applicants can find no indication that those Information disclosure statements have been considered.

It is respectfully requested that the submitted information be considered and that such consideration be acknowledged.

### *Conclusion*

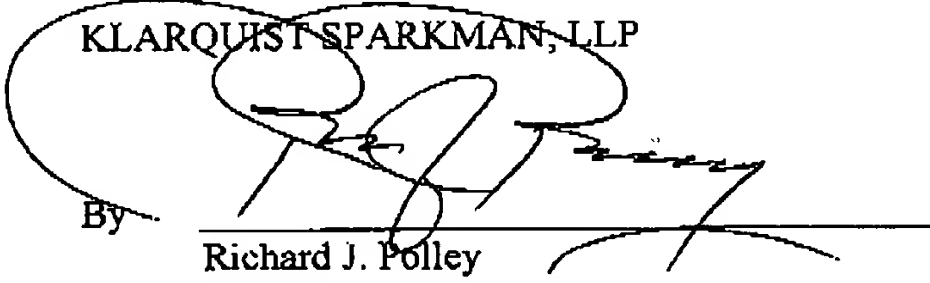
This application is now in condition for allowance, and a Notice of Allowance is requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By

  
Richard J. Polley  
Registration No. 28,107

cc: Client  
Docketing